

Application Serial No. 10/796,886  
Amendment Dated August 24, 2005  
Reply to Office Action Dated May 24, 2005

**Amendments to the Drawings:**

The attached 9 sheets of drawings includes changes to Figs. 1-2 and 4-8B. These sheets, which includes Figs. 1-2 and 4-8B, replaces the originally filed sheets including Figs. 1-2 and 4-8B. All of the Figures, except Fig. 3, are being amended to label a running trap 29 as part of the building drain piping 22.

Attachment:   9   Replacement Sheets  
                9   Annotated Sheets showing Changes

**Remarks**

Claims 1, 8 and 9 have been amended, and claims 1-9 remain in the application. Re-examination and reconsideration of the application are respectfully requested.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. §102(b) as being anticipated by Higgins U.S. Patent No. 403,106. Independent claims 1 and 8 have been amended; and therefore, the discussion to follow will be with respect to the amended claims 1 and 8. As shown in Fig. 1, Higgins relates to a sewer trap for preventing gas and odors from passing back into a building. The sewer trap has a box 'A' connected to wastewater pipes 'd' leading from sinks, drains, etc. As wastewater accumulates and rises in box 'A', it flows under hood 'g', through mouth 'k', past valve 'l' and into trap 'B'. Pipe 'f' leads from trap 'B' to a street sewer. A waste pipe 'r' leading from a water-closet carries refuse into trap 'B'. A lid 't' on pipe 'r' prevents sewer gases and odors from entering the pipe 'r' and the water-closet. A valve 'l' prevents refuse, sewer gases and odors from entering the box 'A' and thus, prevents gases and odors from passing back through pipes 'd' and escaping into the building.

Thus, Higgins relates to a centrally located sewer trap for a building drain system, which performs the same function as the running traps 29 of the current application that are connected to the drain 15 and the various plumbing fixtures 16-18 in a known manner. While Higgins may operate effectively as a running trap, the Higgins trap B cannot prevent a flow of wastewater with sanitary sewage from the water-closet from entering the pipe f and flowing into the sewer during a stormwater or wastewater backflow condition. In contrast to Higgins, claims 1 and 8 relate to a wastewater control system for reducing entry of wastewater with sanitary sewage from a building drain into a sewer main in response to a high flow in the sewer main causing a backflow in a sewer service line. Further, claims 1 and 8 recite the following elements that are not found in Higgins.

1. A flow control device downstream of a running trap.
2. A detention tank located between the flow control device and the running trap, wherein the detention tank detains wastewater with sanitary sewage when the flow control device is closed. Thus, in an event of a sewer main high flow condition, entry of sanitary waste into the sewer main is blocked and thus, reduced. Consequently, in the event of a sewer overflow, pollution in receiving waters is reduced. In response to

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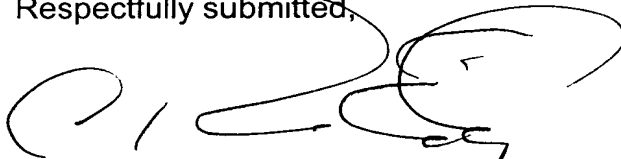
a lesser flow condition, the flow control device opens to unblock the sewer service line, thereby permitting wastewater with sanitary sewage accumulated in the detention tank to flow into the sewer main. Therefore, Applicant submits that claims 1-3 and 7-9 are patentable and not anticipated under 35 U.S.C. §102(b) by Higgins.

Claims 2-4 are rejected under 35 U.S.C. §103(a), second paragraph, as being unpatentable over Higgins U.S. Patent No. 403,106. Claims 2-4 are dependent on what Applicant submits to be an allowable claim 1. Therefore, Applicant submits that claims 2-4 are patentable and not obvious under 35 U.S.C. §103(a) in view of Higgins.

Claim 5 is rejected under 35 U.S.C. §103(a), second paragraph, as being unpatentable over Higgins U.S. Patent No. 403,106 in view of Smith. Claim 5 is dependent on what Applicant submits to be an allowable claim 1. Therefore, Applicant submits that claim 5 is patentable and not obvious under 35 U.S.C. §103(a) in view of Higgins in view of Smith.

Applicant submits that the application is now in condition for allowance and reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned in order to resolve any outstanding issues and expedite the allowance of this application.

Respectfully submitted,



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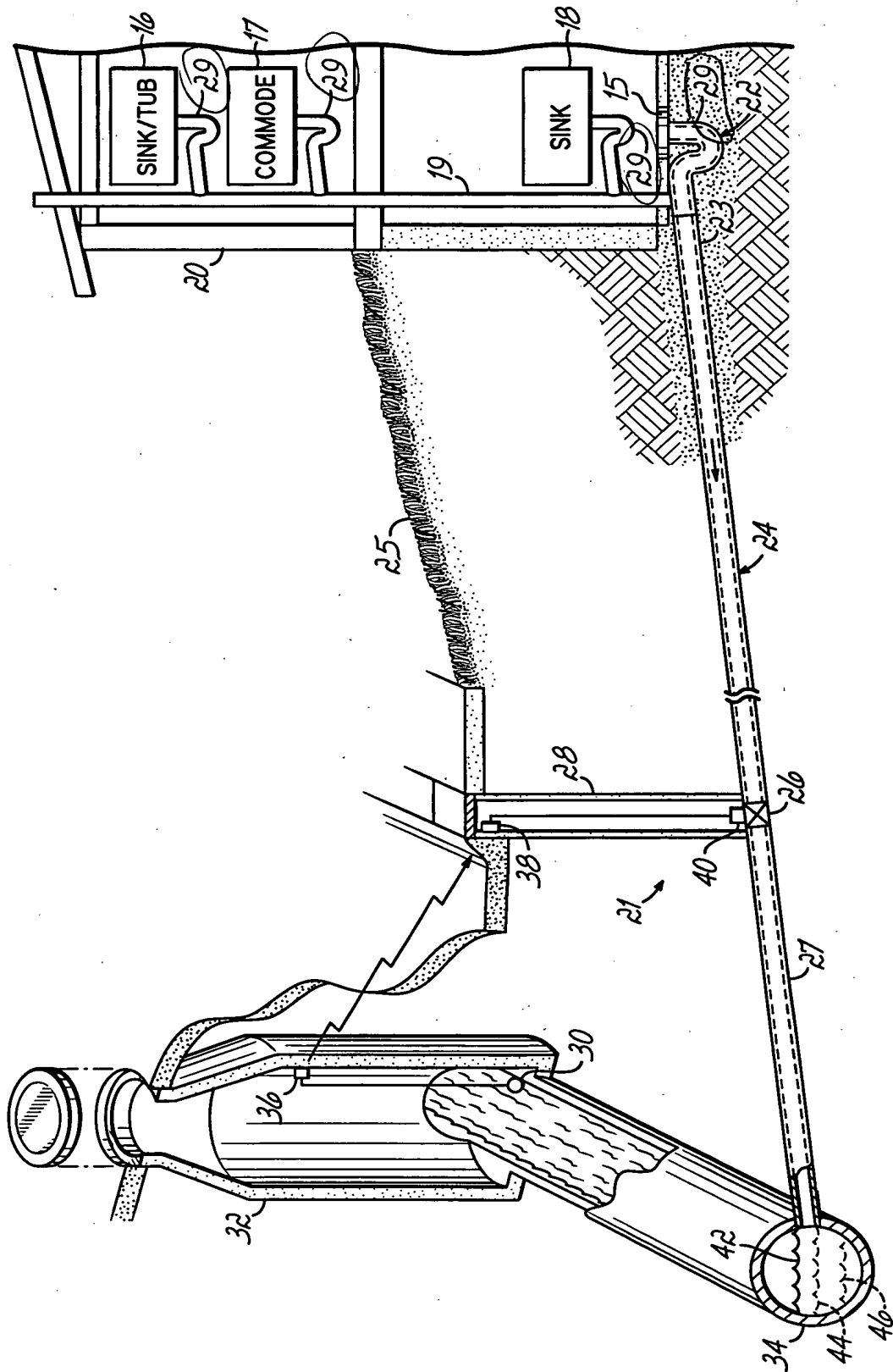


FIG. 1

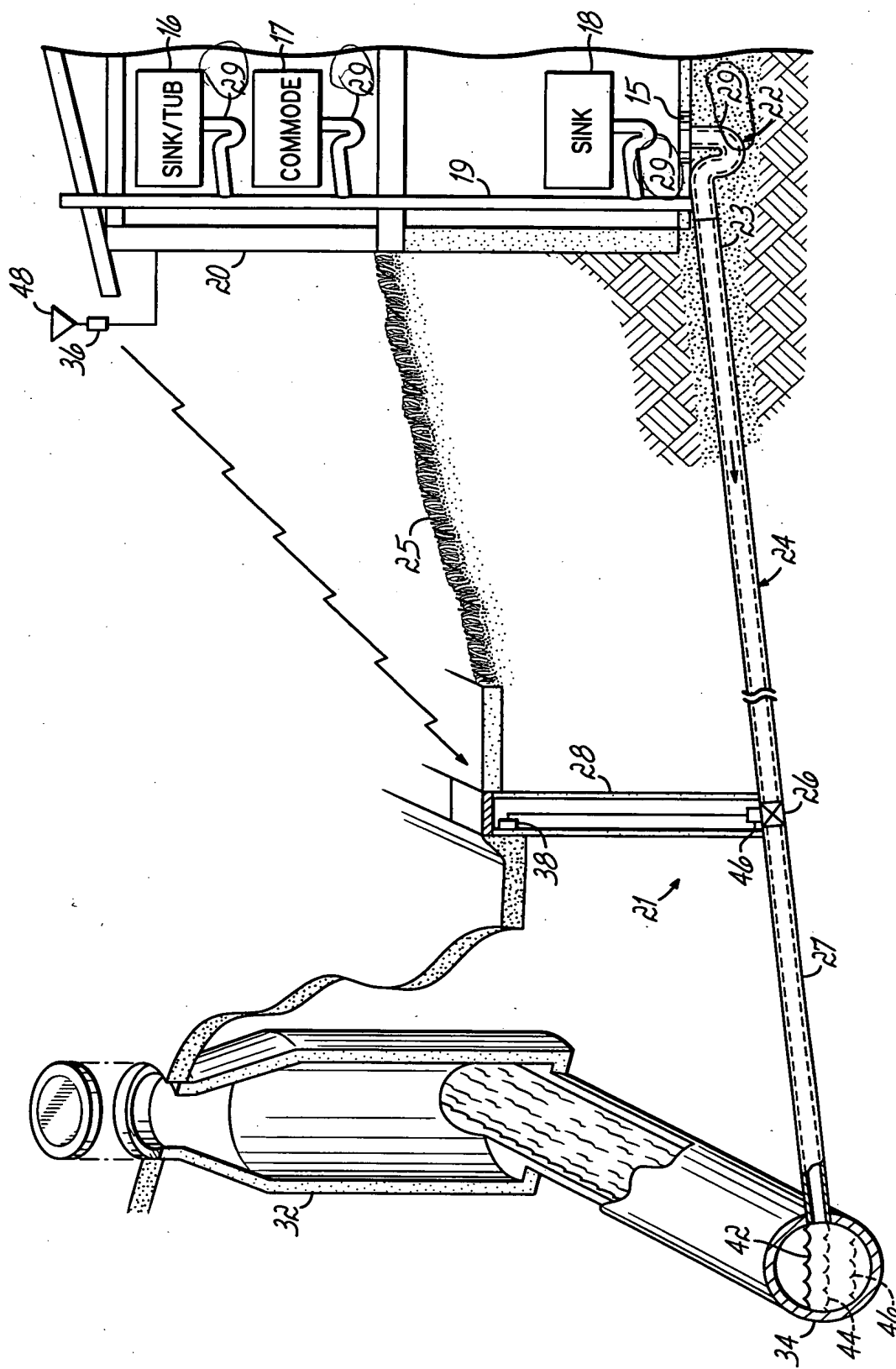


FIG. 2

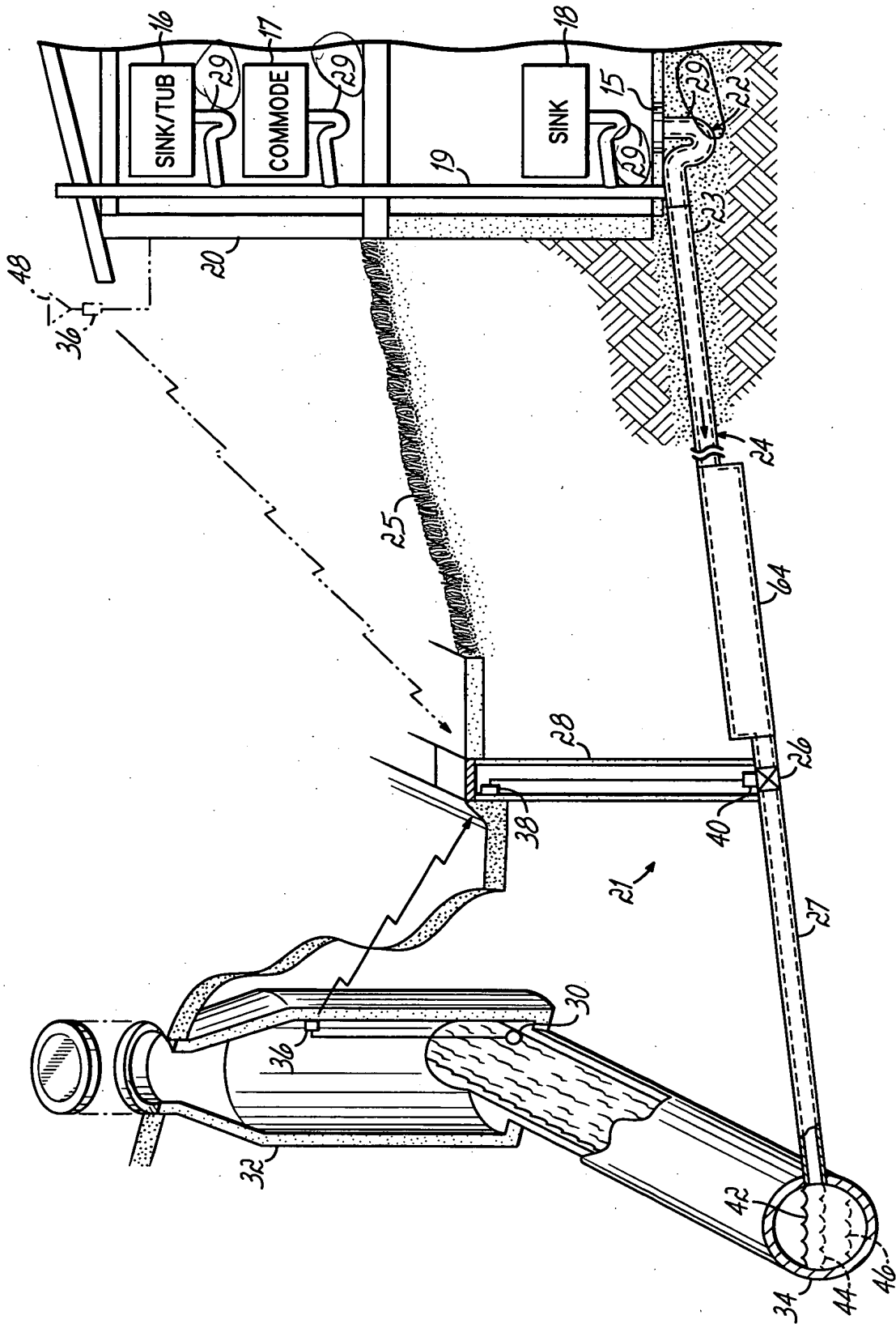


FIG. 4

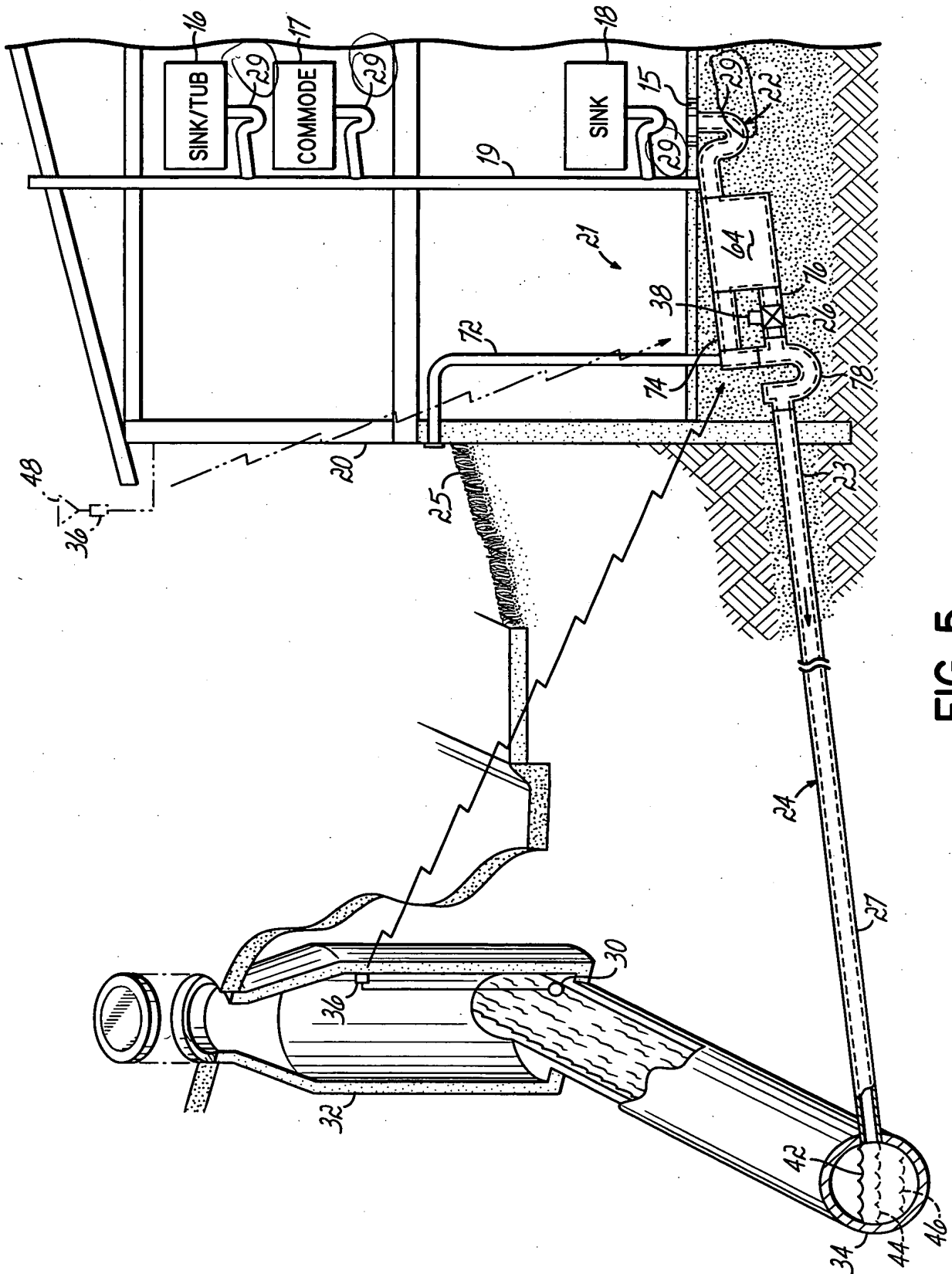


FIG. 5

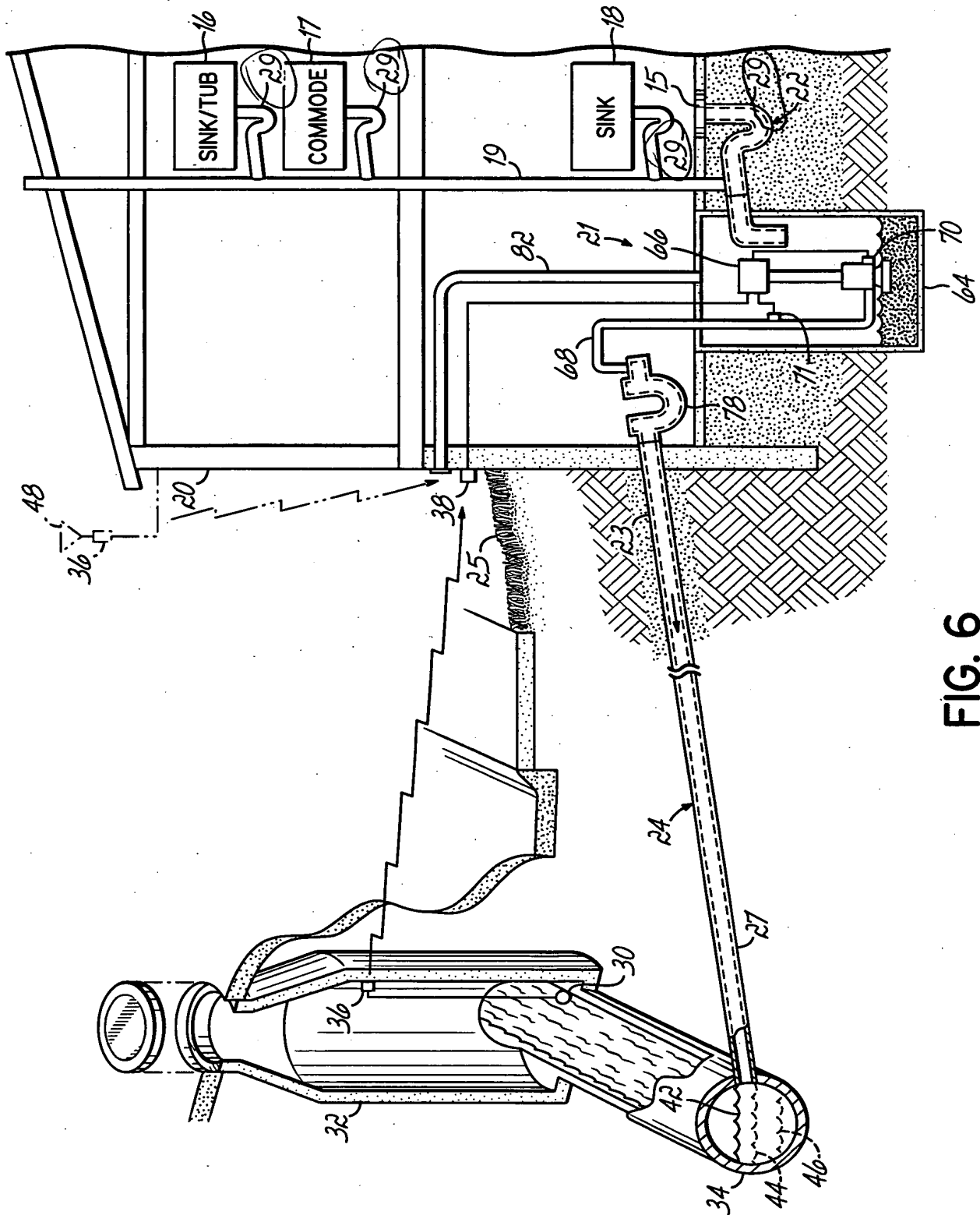


FIG. 6



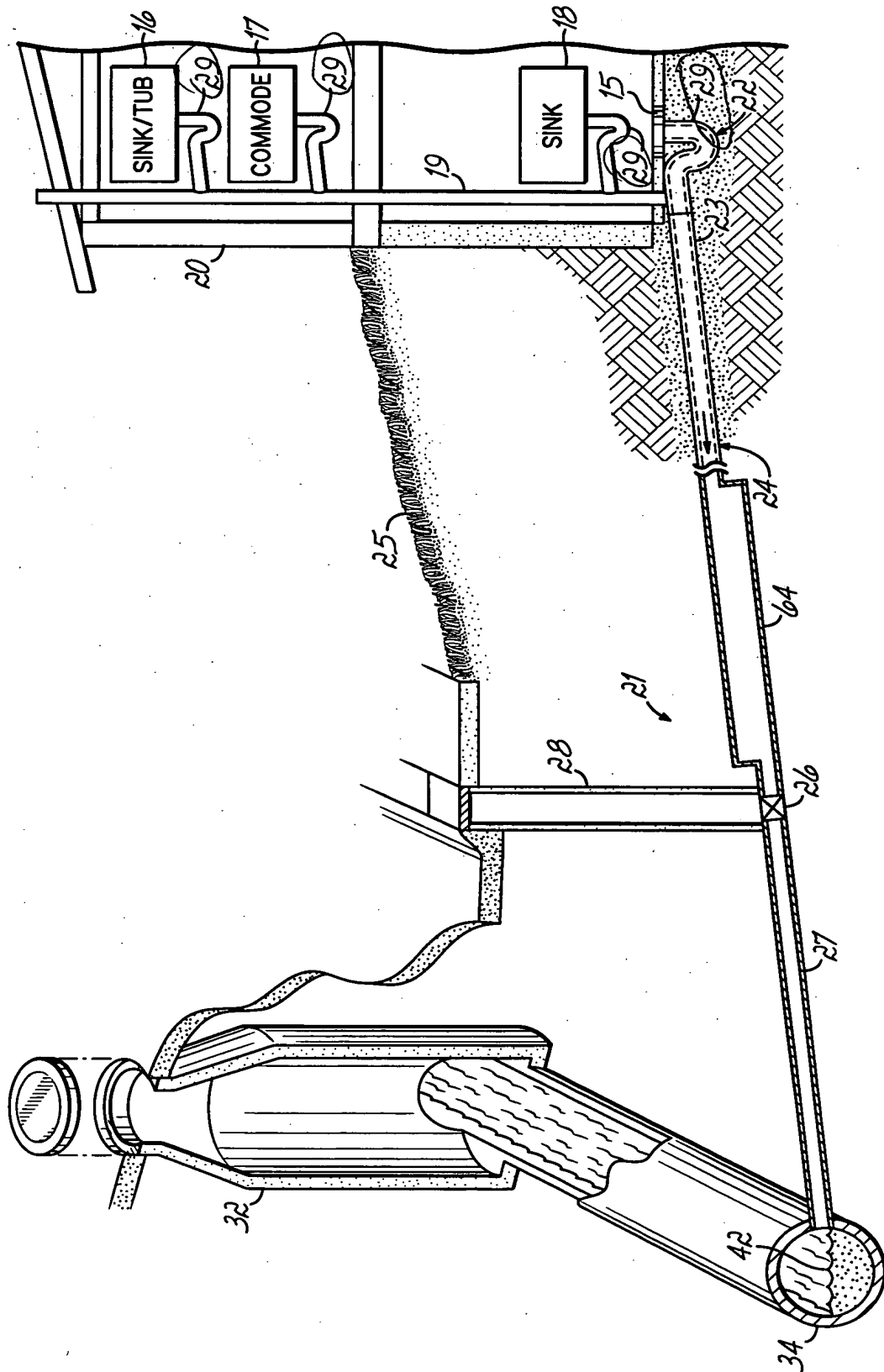


FIG. 7A

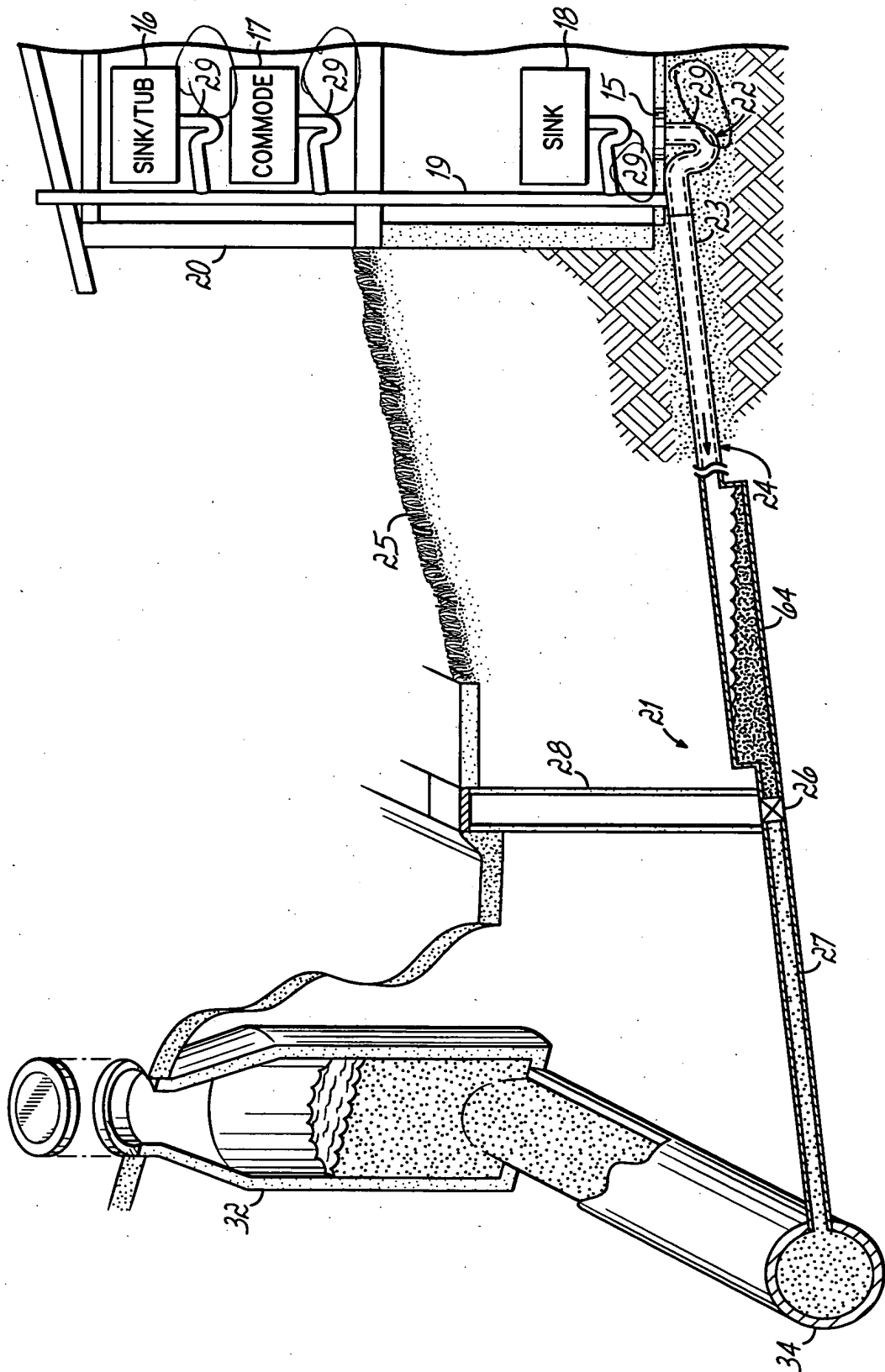


FIG. 7B

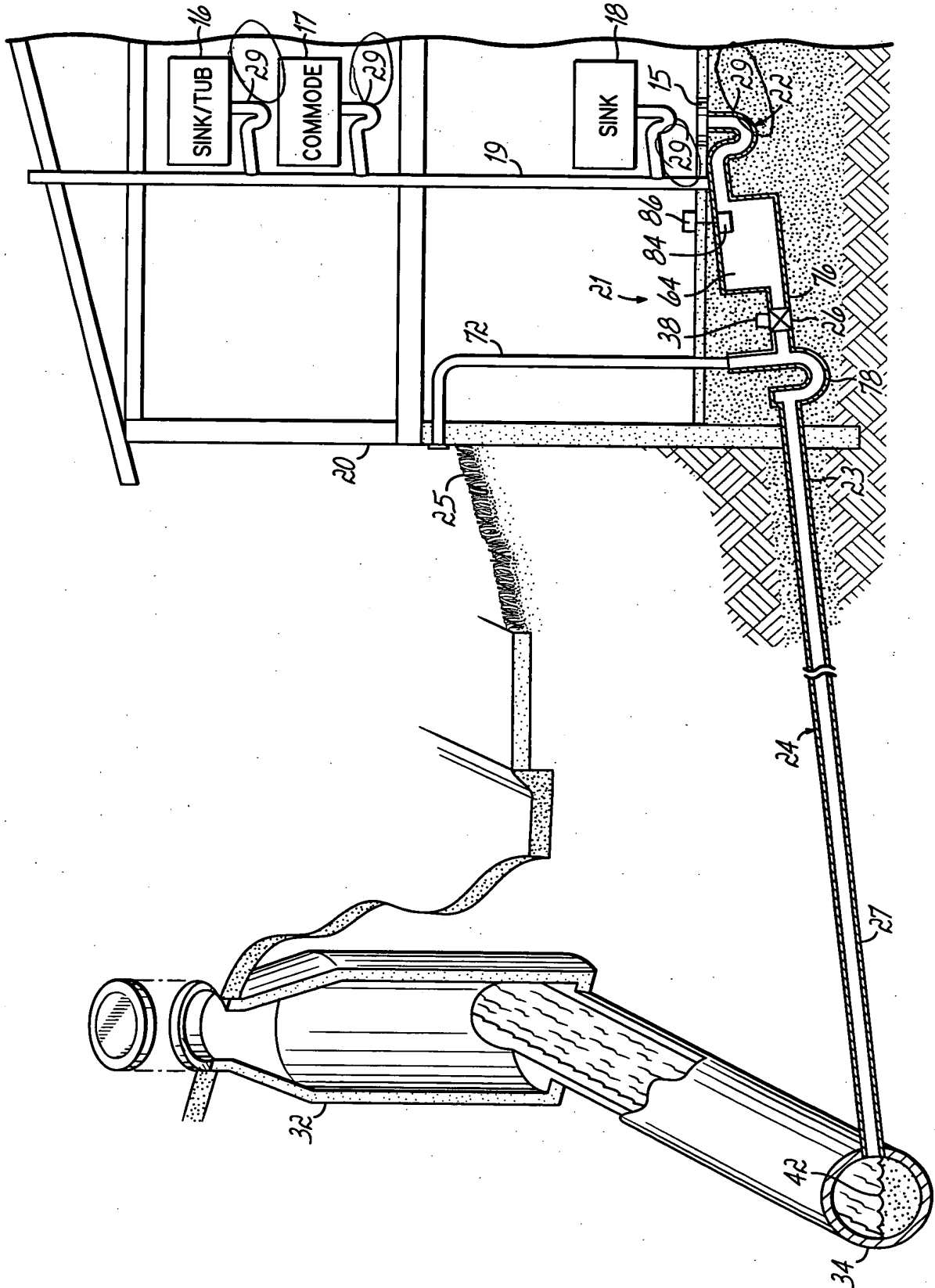


FIG. 8A

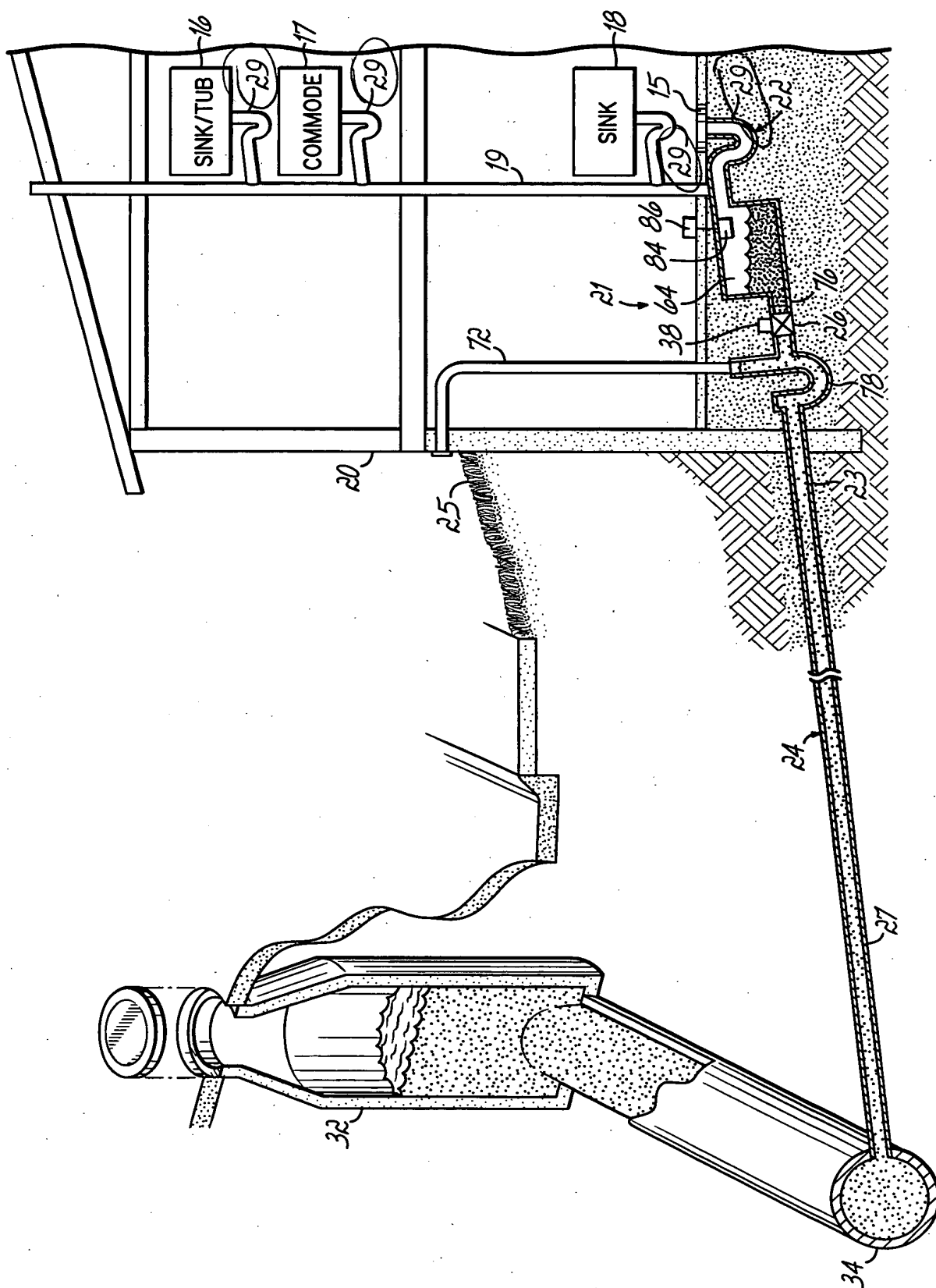


FIG. 8B